



Uniform Complaint Procedures



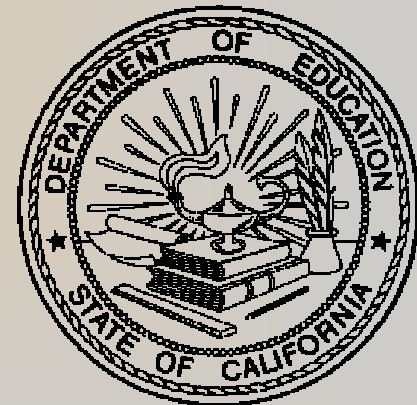
Categorical Programs Complaints Management Unit



School and District Accountability Division

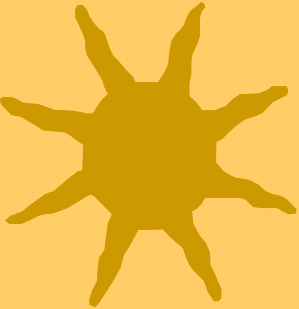


California Department of Education





UCP Workshop Overview

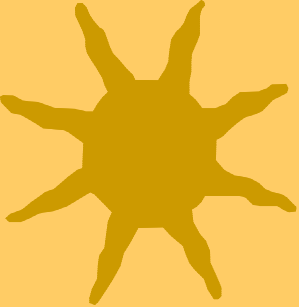


- ☆ **Welcome**
- ☆ **Introductions**
- ☆ **Power Point**
- ☆ **Materials**
- ☆ **Guided Practice**





Materials



- ★ **Agenda**
- ★ **UCP checklist**
- ★ **UCP sample brochure**
- ★ **Sample CDE letter**
- ★ **Questions and answers**
- ★ **CDE UCP Contacts**
- ★ **Powerpoint presentation**
- ★ **Uniform Complaint Procedures**
- ★ **Title 5 California Code of Regulations**



What's a UCP Complaint?

- ☆ **An allegation about a possible violation of federal and state law or regulation.**
- ☆ **Related to 5 CCR 4600**
- ☆ **A way to initiate resolution of non-compliant issues related to the law.**



UCP Related Programs



- ☆ **Consolidated Programs**
- ☆ **Adult Education**
- ☆ **Indian Education**
- ☆ **Migrant Education**
- ☆ **Vocational Education**
- ☆ **Child Care and Development**
- ☆ **Nutrition Services**
- ☆ **Special Education**





Consolidated Categorical Aid Programs (Federal)



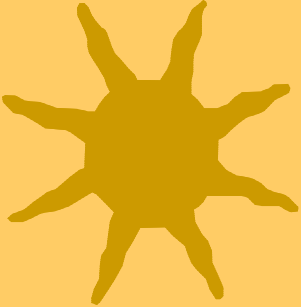
☆ No Child Left Behind Act of 2001

- Title I (Basic Programs)**
- Title II (Teacher Quality and Technology)**
- Title III (Limited English Proficient)**
- Title IV (Safe and Drug Free Schools)**
- Title V (Innovative Strategies)**





Consolidated Categorical Aid Programs (State)



☆ **School Improvement Program**

☆ **Economic Impact Aid, (SCE)**

☆ **Economic Impact Aid, (EIA-LEP)**



☆ **Miller-Unruh Special Reading Program**

☆ **Tenth Grade Counseling**

☆ **Tobacco Use Prevention Education**

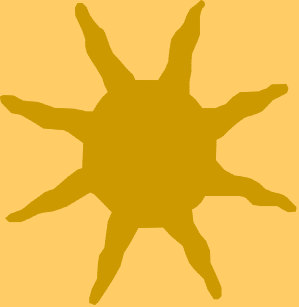


☆ **School Safety and Violence Prevention**

☆ **Peer Assistance and Review**



Special Education



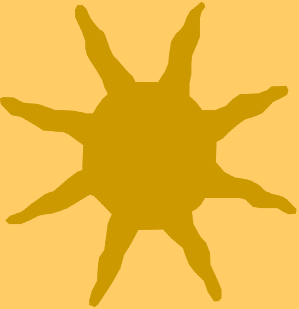
- ☆ **Public agency (other than a LEA)**
 - **Fails/refuses to follow provisions for free, appropriate, public education**
 - **Failure to comply with due process procedures**

- ☆ **The complainant alleges that a student is not receiving services specified in the student's IEP.**

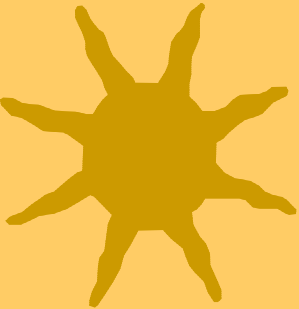
- ☆ **Violation of federal law governing Special Education**



Unlawful Discrimination



Title 5, California Code of Regulation Section 4610 *Civil Rights Protection*



Age

Ancestry

Sex

National Origin

Sexual Orientation

Religion

Gender

Color

Ethnic Identification

Mental disability

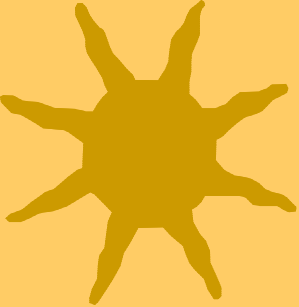
Race

Physical disability





Referrals to Other Agencies



★ **Rehabilitation Act of 1973 § 504**

- **Office for Civil Rights**

★ **Child Abuse**

- **Dept of Social Services, Protective Services**
- **Local Law Enforcement Agency**



★ **Health & Safety/Child Development**

- **Department of Social Services**

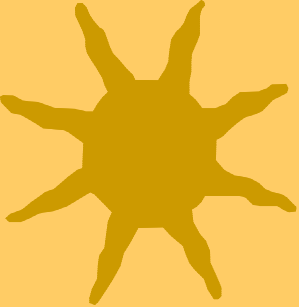


★ **General Education**

- **Local Education Agency**



Referrals to Other Agencies Cont.



☆ Discrimination / Nutrition Services

- U.S. Secretary of Agriculture
- U.S. Dept of Agriculture, West Region



☆ Employment Discrimination

- Dept of Fair Employment & Housing
- Office for Civil Rights



☆ Fraud

- CDE Directors or Legal Counsel



Responsibilities of Local Agency



- ☆ Hiring and evaluation of staff
- ☆ Classroom assignments
- ☆ Student advancement and retention
- ☆ Selection/provision of textbooks and materials
- ☆ Student discipline
- ☆ Provision of core curricula subjects
- ☆ Facilities
- ☆ Graduation requirements
- ☆ Homework policies and practices
- ☆ Use of general education funds
- ☆ Dress codes and school uniforms



Filing A Complaint



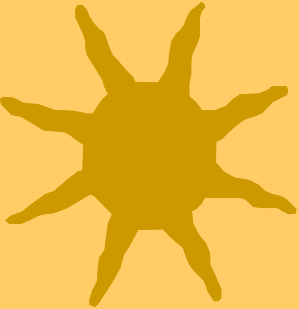
Who can file?



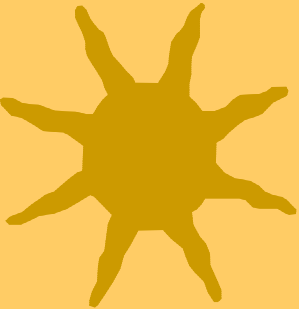
Any individual, public agency, or organization is eligible to file.



Complainant's Responsibilities



- ☆ **Receive and read the annual written notice of UCP from the district**



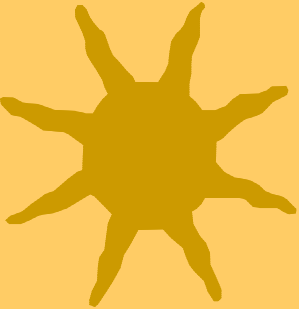
- ☆ **Follow steps of the district UCP complaint procedures**



- ☆ **File your complaint in writing with the district's complaint officer**



Complainant's Responsibilities



- ★ **Appeal to the state agency for resolution (within 15 days) if dissatisfied with the local agency decision.**



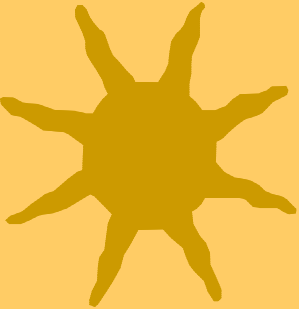
- ★ **Appeal to the Superintendent of Public Instruction (SPI) if dissatisfied with state agency's determination.**



- ★ **Federal Programs**
- ★ **U. S. Dept. of Education**

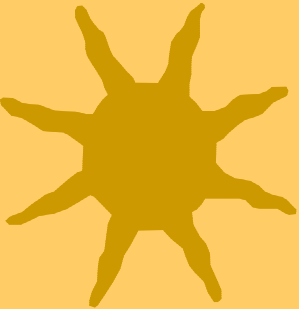


Local Agency Responsibilities



☆ **Comply with statutes and regulations.**

☆ **Adopt policies and procedures to resolve complaints.**

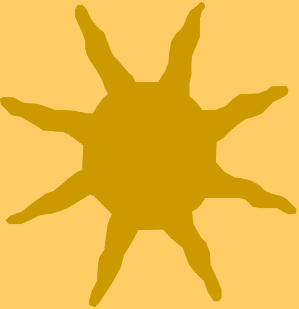


☆ **Protect complainants against retaliation.**

☆ **Ensure confidentiality for discrimination complaints.**



☆ **Designate a responsible staff position for receiving complaints.**

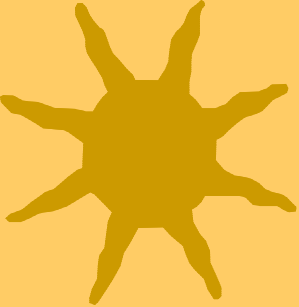


Local Agency Responsibilities

Distribute *annual notification* regarding the local procedures to:
students,
employees,
parents,
committees, and
other interested parties.



Notification Requirements

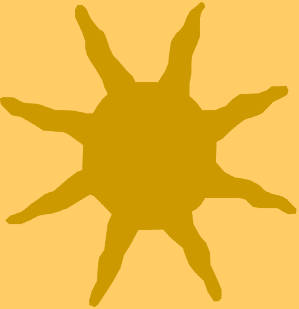


- ☆ **Statement of purpose**
- ☆ **Identification of who to file complaint with**
- ☆ **Description of complaint procedures**
- ☆ **Applicable primary languages**
- ☆ **Civil law remedies**





Local Agency Responsibilities



☆ **Investigate/mediate and report to complainant within 60 days.**

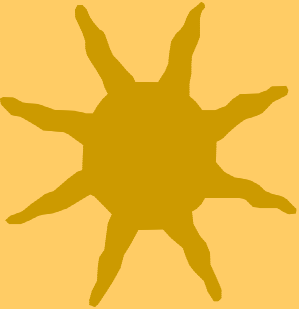


☆ **Give complainant an opportunity to present relevant information.**



☆ **Prepare and forward written report of decision to complainant.**

☆ **Advise complainant of 15-day appeal rights timeline in the report.**



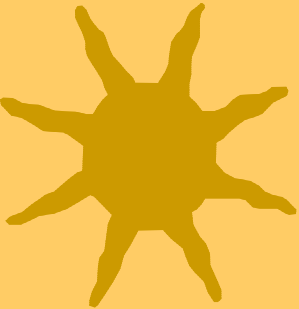
Local Agency Responsibilities

If the local decision is appealed, CDE will review the appeal, and may request the district to provide the following information:

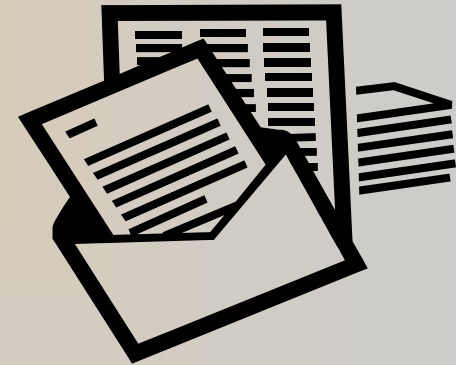
- ☆ **The original complaint**
- ☆ **Copy of local decision**
- ☆ **Summary of local investigation**
- ☆ **Action taken to resolve original complaint**
- ☆ **Copy of UCP procedures**
- ☆ **Other relevant information**



CDE Responsibilities

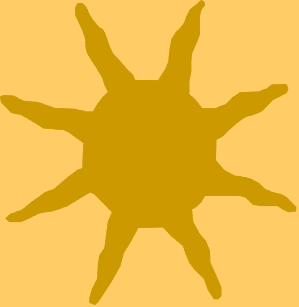


The CDE ***WILL REFER*** all correspondence to the local agency if the complaint was not originally filed with the local agency.





CDE Intervention



☆ **The local agency fails to comply with complaint procedures.**

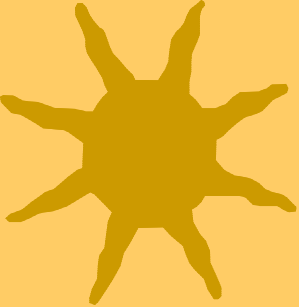


☆ **Discrimination is alleged and/or there is an indication of immediate loss of benefits such as education or employment for students.**





CDE Intervention



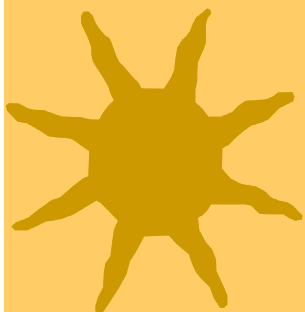
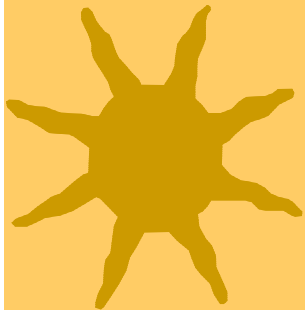
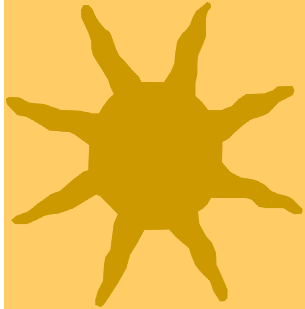
☆ **The complainant requests anonymity and has proven retaliation.**



☆ **The local agency fails to implement the final decision resulting from a local investigation or mediation process.**



☆ **The local agency fails to respond to the complainant within 60 days.**



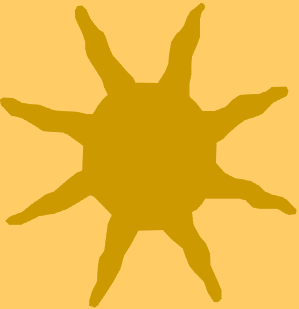
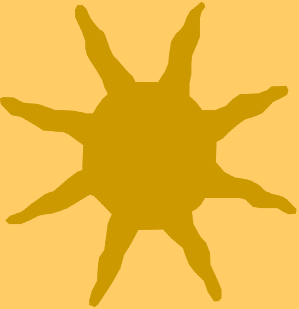
Mediation



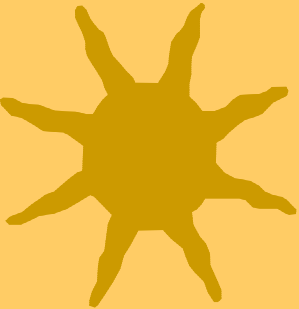
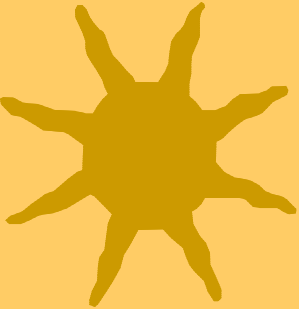
- ★ **Trained mediator**
- ★ **Agreement consistent with laws/regulations**
- ★ **Agreement sent to each party**
- ★ **Follow-up agreement provisions for compliance**
- ★ **Completed within 60 days**



Investigation



- ★ **Conduct fact finding sessions**
- ★ **Meet with complainant(s) and agency personnel**
- ★ **Investigate and exam information**
- ★ **Interview agency personnel, parents, and/or students**
- ★ **Observe classroom activities**



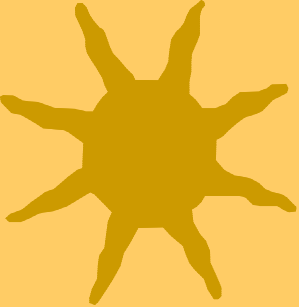
Investigative Report

- ★ **Allegation**
- ★ **Legal Authority**
- ★ **Scope of Investigation**
- ★ **CDE Factual Review**
- ★ **Findings and Conclusions**
- ★ **Required Actions**

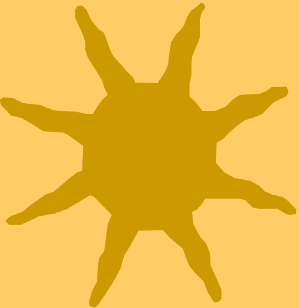




Reconsideration of Report



- ★ **Within 35 days, either party may appeal to the SPI to reconsider**

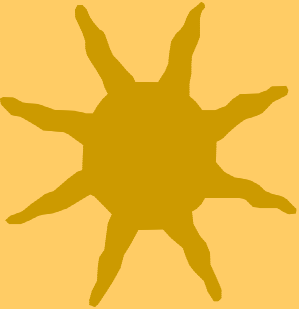


- ★ **SPI has 15 days for reconsideration of report**

- **Federal Programs**

- ▶ **U. S. Dept. of Education**



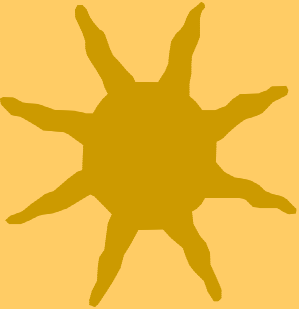


Resolution

- ★ **Voluntary compliance**
- ★ **Conditional compliance
(probationary eligibility for fiscal support)**
- ★ **Withholding all or part of
state/federal fiscal support**
- ★ **Compelling compliance through
court action**



UCP Contact Persons



Adult Education_____Mary Tobias Weaver

Child Development_____Terry Miller

Nutrition Services_____Rae Dalimonte

**Consolidated Categorical Aid Programs_____Categorical
Programs Complaints Management Unit**

Indian Education_____Andrew Andreoli

Migrant Education_____Manuel Alfaro

**Special Education_____Procedural Safeguards
and Referral Services Unit**

Vocational Education_____Doug Mahr

**Nondiscrimination Requirements_____Sharon Felix-Rochon
and Civil Rights Protections,
Office of Equal Opportunity**





Uniform Complaint Procedures



Categorical Programs Complaints Management Unit

916 – 319 – 0929

Kathleen Seabourne, Manager

Stephanie Papas, Education Programs Consultant

Kathy Hemeon, Education Programs Consultant

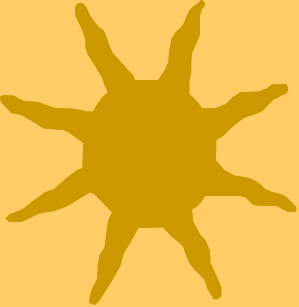
Gary Page, Education Programs Assistant

Sally Lewis, Staff Services Analyst

Russ Bates, Office Technician

Glenda Heath, Office Technician





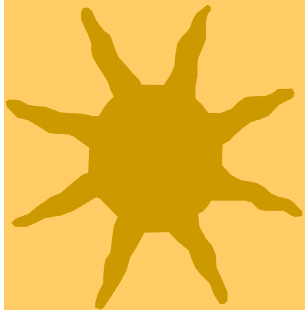
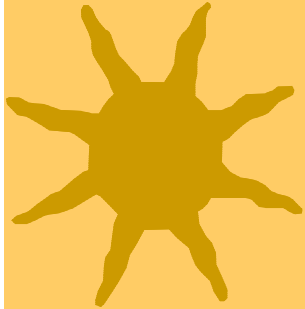
Guided Practice



- ★ **Find your UCP annual notification.**
- ★ **Find out how and where the UCP notification was disseminated to students, employees, and parents.**
- ★ **Review the UCP notification using the UCP Checklist.**
- ★ **Prepare and/or organize UCP information for CCR.**



Guided Practice



Uniform Complaint Procedures Checklist 2003-04

★ **UCP 1**

- **Evidence of compliance with required provisions of local policy and procedure**

★ **UCP 2**

- **Evidence of compliance with annual notification requirements**



★ **UCP 3**

- **Evidence of proper implementation of the mediation and/or investigation process**



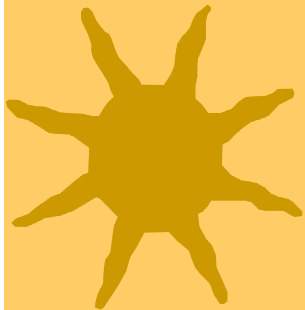
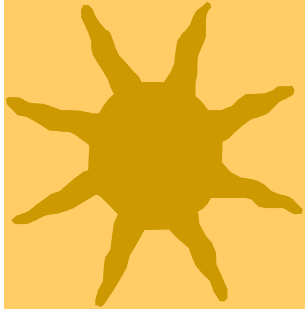
Guided Practice



Yes	No	Elements
		1. A statement of purpose regarding compliance with federal and state laws/regulations.
		2. Includes all relevant programs implemented in the district and civil rights protections regarding ancestry, color, ethnic group identification, national origin, mental and/or physical disability, race, religion, sex, gender, sexual orientation.

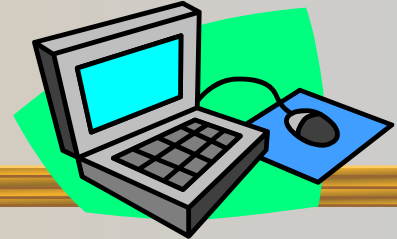


Questions?





EXTRA!! EXTRA!!



If you would like to view this information again, please visit our website at:

<http://www.cde.ca.gov/ccpdiv>

If you do not have access to the Internet, please refer to the printed workshop materials.

